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Attorney for the Debtors

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

* * * *

In re	* Bankruptcy no. 14-25369
	*
CHAD A. PASSA	* Chapter 13
LISA M. HART	*
	*
Debtors.	*
	* Honorable William T. Thurman

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APPLICATION FOR ATTORNEY FEES INCURRED BY DEBTORS ON APPEAL

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Pursuant to the Memorandum Decision and Order: Affirming the Order of the Bankruptcy Court; Dismissing Appellant's Appeal; and Remanding this Case to the Bankruptcy Court for the Limited Purpose of Determining Whether Attorney Fees and Costs Should be Awarded issued by the United States District Court for the District of Utah on June 23, 2020, Debtors submit this application for an award of attorney fees incurred on appeal.

1. I am the attorney of record for the above referenced Chapter 13 Debtors.

2. I am a member of the Utah State Bar and I am duly authorized to practice law in the courts of the State of Utah and in this Court.

3. I have performed, inter alia, the following services for

the Debtors:

12/16/2017 review notice of appeal; tele conf w/clients (.4 hrs)

12/23/2017 review BAP appeal guidelines (.1 hr)

1/5/2018 prepare Entry of Appearance, Statement of Admission to Practice, Statement of Interested Parties, and Statement re Oral Argument (.2 hrs)

1/18/2018 review motion for extension of time (.1 hr)

1/24/2018 review Pranno Motion to Withdraw; Order on Motion for Withdrawal of Counsel; Order Granting Motion for Enlargement of Time (.2 hrs)

2/3/2018 review notice of appeal; tele conf w/clients (.3 hrs)

2/7/2018 review Clark Transcript Order Forms; Notice of Appearance & Request for Notice; Entry of Appearance, Statement of Interested Parties and Statement re Oral Argument (.2 hrs)

2/16/2018 review Pranno Motion to Intervene & Clark Motion to Join Appeals; review Rule 8003(b) (.3 hrs)

2/21/2018 review Clark Designation of Items to be Included in the Record on Appeal, Designation of Issues on Appeal, and bankruptcy court docket (1.3 hrs)

3/3/2018 review Order on Motion for Enlargement of Time (.1 hrs)

03/10/2018 review Clark designation of record (.1 hr)

04/01/2018 review withdrawal of counsel (.1 hr)

4/8/2018 review notice of appearance of counsel for Clark

and motion & memorandum for extension of time to file brief (.1 hr)

4/29/2018 review Kelly Clark's Motion to Set Aside Writ of Execution, tele conf w/clients (.5 hrs)

4/30/2018 draft Memorandum Opposing Kelly Clark's Motion to Set Aside Writ of Execution (3.4 hrs)

5/8/2018 review Clark Reply Memorandum in Support of Motion to Set Aside Writ of Execution & Notice to Submit for Decision (.2 hrs)

5/25/2018 prepare for and attend hearing on Motion to Set Aside Writ of Execution; tele conf w/clients (2.2 hrs)

5/27/2018 review Motion for Stay Pending Appeal (.4 hrs)

6/12/2018 review Order Approving Supersedeas Bond; tele conf w/clients (.5 hrs)

1/25/2019 review Pranno Supplemental Memorandum re Motion to Intervene & Response to Order to Show Cause (.3 hrs)

4/2/2019 review Memorandum Decision and Order Mooting Motion to Consolidate, Denying Motion to Intervene, Granting Motion for Extension of Time & Order dismissing Pranno appeal; tele conf w/clients (.3 hrs)

4/21/2019 review Appellant's Opening Brief (.6 hrs)

4/22/2019 review caselaw cited in Opening Brief (2.8 hrs)

4/23/2019 review caselaw, authority & code cited in Opening Brief (3.1 hrs)

4/24/2019 review Appellant's Appendix (2.3 hrs)

4/26/2019 review Appellant's Appendix (2.1 hrs)

4/27/2019 review Pranno Motion to Participate as Amicus Curiae & Amicus Brief; draft Appellee's Brief (4.9 hrs)

5/3/2019 research discharge injunction/determination of dischargeability & laches; draft Appellee's Brief (3.7 hrs)

5/4/2019 draft Appellee's Brief (2.4 hrs)

5/5/2019 draft brief; research discharge injunction violations prior to determination of dischargeability; review hearing transcripts (3.5 hrs)

5/8/2019 research re automatic stay violation post-discharge; draft brief (1.8 hrs)

5/11/2019 draft brief (4.3 hrs)

5/16/2019 draft brief (1.3 hrs)

5/17/2019 draft brief (.6 hrs)

5/18/2019 draft brief (1.1 hrs)

5/19/2019 finalize brief (.9 hrs)

6/10/2019 review Appellant's Reply Brief (.9 hrs)

6/22/2019 review caselaw cited in Reply Brief & bankruptcy Court Memorandum Decision (3.9 hrs)

6/25/2019 review Reply Brief of Amicus Curiae Albert Pranno, Urging Reversal (.3 hrs)

7/30/2019 review Appellant's Memorandum in Opposition to (1) Motion of Albert Pranno for Leave to Participate as Amicus Curiae in Support of Appellant, Urging Reversal and (2) Motion for Leave Motion to Allow Amicus to File Reply Brief Urging Reversal (.1 hrs)

6/24/2020 review Memorandum Decision and Order: Affirming

the Order of the Bankruptcy Court; Dismissing Appellant's Appeal; and Remanding this Case to the Bankruptcy Court for the Limited Purpose of Determining Whether Attorney Fees and Costs Should be Awarded; tele conf w/clients (.4 hrs)

6/26/2020 review Judgment in Civil Case (.1 hrs)

6/28/2020 draft Motion for Order Directing Payment of Supersedeas Bond to Debtors and Notice of Hearing (2.5 hrs)

7/22/2020 attend hearing on Motion for Order Directing Payment of Supersedeas Bond to Debtors; tele conf w/clients (.4 hrs)

7/31/2020 prepare this fee application (1.7 hrs)

4. I have spent not less than 61.1 hours in connection with the services rendered. My hourly rate for these services is \$250.00.

5. I believe and represent that the services rendered to date have been necessarily incurred in prosecuting Debtors' motions and that the total fees are fair and reasonable.

WHEREFORE, Debtors request an Order awarding Debtors' attorney fees in the amount of \$2,175.00 against Kelly Gene Clark and Albert N. Pranno, jointly and severally, for services rendered from December 16, 2017, the date of the filing of the initial Notice of Appeal, through April 2, 2019, the date of the of the District Court's Memorandum Decision dismissing Mr. Pranno's appeal. Debtors also request an Order awarding Debtors' attorney fees in the amount of \$11,450.00 against Kelly Gene Clark individually for services rendered from April 3, 2019,

through July 31, 2020, the date of this fee application.

DATED this 31st day of July 2020.

/s/Scott B. Mitchell

Attorney for the Debtors

CERTIFICATE OF SERVICE - BY NOTICE OF ELECTRONIC FILING (CM/ECF)

I hereby certify that on July 31, 2020, I electronically filed the foregoing Application for Attorney Fees Incurred by Debtors on Appeal with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

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